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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,360	04/07/2004	Melvin Pardue	1201-031/ddh	7626

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EXAMINER

BREAN, LAURA MICHELLE

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,360

Applicant(s)

PARDUE ET AL.

Examiner

Laura M. Brean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 6/02/2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12, 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 1 is withdrawn in view of the newly discovered reference(s) to Boyd et al. (U.S. Patent 4,541,175). Rejections based on the newly cited reference(s) follow.

The indicated allowability of claim 10 is withdrawn in view of an unappreciated interpretation of the prior art reference to Morris (U.S. Patent 2,483,660) and in view of an objection with the claim language.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

2. Claim 10 is objected to because of the following informalities:

Claim 10 recites "wherein the radial distance from the longitudinal axis to at least one of said planar surfaces is different from the radial distance from the longitudinal axis to at least one other of said planar surfaces" and then proceeds to claim another 8 planar surfaces. As written it appears that the applicant is attempting to claim more than the 8 planar surfaces as disclosed by the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, lines 2-3 recites that "the first sidewall has a diameter smaller than the bore in the first sidewall". It is unclear whether the applicant is intending that the first sidewall's diameter is smaller than the bore's length or width.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country; more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd et al. (U.S. Patent 4,541,175), herein referred to as Boyd. Boyd discloses in a folding tool (knife) having an elongated body and an implement (blade, 12) wherein the body includes two opposed sidewalls (16/42) held in a spaced apart relationship defining a slot there between, the implement is rotatably attached to the body and is rotatable from a first position in which the implement is at least partially received in the slot and a second position in which the implement is at least partially rotated out of the slot for use (Figures 5/6), the improvement comprising; an elongated stop pin (actuating button, 130) having a first end (137) and a second end (143), a first cylindrical outer surface

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(133) adjacent the first end (137), a second cylindrical outer surface (145) adjacent the second end, and a central portion (139) between said first and second cylindrical outer surfaces, said central portion defined by a plurality of planar surfaces, a first axial bore (threaded bore) in the first end having a first diameter, said first axial bore extending partially along the length of the stop pin and terminating at a shelf (where threaded portion meets cylindrical inner portion ; Figure 7), and a second axial bore (the inner cylindrical area of 131) extending from said shelf at least partially toward said second end, said second axial bore having a smaller diameter than said first axial bore; whereby said cylindrical portion is capable of being rotated in a bore (square shaped recess, 46) in a sidewall (42) and said second cylindrical portion is capable of being rotatably received in a bore (149) in the opposite sidewall (16) such that the central portion lies in the slot, the bore in the first sidewall having a hole (circular opening, 44) therethrough aligned with said first axial bore (threaded bore of 131).

In regards to claim 2, as best understood Boyd discloses wherein the first axial bore (threaded area, 131) is threaded and the hole in the first sidewall has a diameter smaller than the bore (bore's diameter) in the first sidewall and wherein the stop pin is fixed relative to the first sidewall to prevent axial rotation of said stop pin with a screw (137) inserted through the hole and threaded into the first axial bore.

In regards to claim 3, Boyd discloses wherein the stop pin has a longitudinal axis and wherein the radial distance from the axis to each of the plurality of planar surfaces is different for each planar surface (139). It is noted that each planar surface has a plethora of radial distances running along its length with respect to the longitudinal axis.

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The limitation, "the radial distance" does not limit the radial distance to only include the shortest radial distance to the center of each planar surface.

In regards to claim 4, Boyd discloses wherein the shortest radial distance from the axis to a first planar surface is equal to the radial distance from the axis to the first cylindrical outer surface.

In regards to claim 5, Boyd discloses wherein the radial distance from the axis to the planar surface adjacent the first planar surface is greater than the radial distance from the axis to the first cylindrical outer surface.

In regards to claim 6, Boyd discloses N planar surfaces (4) P in the central portion, represented by $P_0, P_1, P_2 \dots P_N$, and wherein the radial distance from the axis to a planar surface is represented by R so that for each of the planar surfaces P there is a corresponding R distance R, and wherein $R_0 < R_1 < R_2 \dots < R_N$.

In regards to claim 7, Boyd discloses wherein the radial distance from the axis to a planar surface is represented by R so that for each of the planar surfaces P there is a corresponding distance R, and wherein $R_0 < R_1 < R_2 \dots < R_N$.

7. Claim 10 –12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris et al. (U.S. Patent 2,483,660), herein referred to as Morris. Morris discloses an attachment for mold carriers that is capable of being used as a stop pin for a folding tool comprising an elongated body (12,34,14) having a first end and a second end (as shown in Figure 2) a cylindrical outer surface adjacent the first end (14), a second cylindrical outer surface adjacent the second end (10), and a central portion (34)

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between said first and second cylindrical outer surfaces, said central portion (34) defined by a plurality of planar surfaces (as shown in Figure 2), a first axial bore (16) in the first end (14) having a first diameter, said first axial bore extending partially along the length of the stop pin and terminating at a shelf (as shown in Figure 1 where the threads, 16, end), and a second axial bore (beginning on the other side of the shelf) extending from said shelf at least partially toward said second end, said second axial bore having a smaller diameter than said first axial bore, and wherein the radial distance from the longitudinal axis to at least one of said planar surfaces is different from the radial distance from the longitudinal axis to at least one other of said planar surfaces. Morris discloses multiple planar surfaces, six of which have flat, horizontal planes that encompass the circumference of the carrier, reference 10, and an additional six planar surfaces that triangularly encompass the circumference of the carrier at the corner of the previous six planar surfaces. The triangular planar surfaces have a radial distance different from the radial distance of the horizontal planar surfaces. Morris also discloses wherein said central portion includes 8 planar surfaces (consisting of any combination of the six flat faces and six triangular faces) $P_0, P_1, P_2, P_3, P_4, P_5, P_6, P_7$, each planar surface separated from the longitudinal axis through said stop pin by a radial distance R measured from the axis to a planar surface P , and wherein $R_0 < R_1 < R_2 < R_3 < R_4 < R_5 < R_6 < R_7$. It is noted that each of the planar surfaces each have an indefinite number of radial distances as defined from their flat surface to the longitudinal axis of the stop pin, such that they could be defined so that $R_0 < R_1 < R_2 < R_3 < R_4 < R_5 < R_6 < R_7$.

In regards to claim 11, Morris discloses that the first axial bore (16) is threaded.

In regards to claim 12, Morris discloses that the second axial bore defines a tool engaging means capable for allowing a tool inserted into the second axial bore to axially rotate said stop pin.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd in view of Proulx (U.S. Patent 6,901,667), Garneau, Sr. (U.S. Patent 6,115,921) and Apprille (U.S. Publication 2005/0198825). Boyd discloses that one of the planar surfaces is capable of defining a reference surface, but does not disclose that the surface includes reference indicia. However, attention is further directed to the Proulx, Garneau and Apprille devices that all disclose that it is old and well known to utilize indicia for the purpose of aiding in orientating two parts relative to each. It would have been obvious to have provided indicia on the planar surfaces of Boyd in view of the teachings of Proulx, Garneau and Apprille in order to provide a means of consistent orientation of the planar surfaces in the square bore.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris.

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Morris discloses a reference notch, but on the stop pin cylindrical portion and not on one of the planar surfaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have repositioned the notch on one of the planar surfaces since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Conclusion

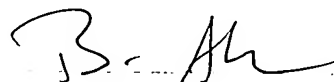
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMB
7/17/2006



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SUPERVISORY PATENT EXAMINER